

## REMARKS

Applicant has revised the specification to update the status of the co-pending applications cited in the specification. In addition, the specification has been amended to overcome the rejection under 35 USC § 112 second paragraph with respect to claim 11. The claim has been amended to refer simply to a computer of a user and an appropriate antecedent basis is now provided for use of the term user later on in the claim.

The Examiner, in paragraph 6 of the Official Action, rejected claims 1 and 4 under 35 USC § 103(a) as being unpatentable over Jalili (U.S. Patent 6,209,104) and Savitzky et al. (U.S. Patent 6,571,271) for the reasons set forth therein. In this regard Applicant would like to briefly summarize the present invention as set forth in independent claim 1. In particular, independent claim 1 is directed to a system for managing digital images wherein a device is used for creating an electronic icon. This icon contains information unique to a particular user. This icon includes information that allows access with respect to the digital media file that is associated with the icon over a communication network by third party. An example of its implementation is a digital camera that captures an image and an icon is associated therewith. The icon then later allows a third party access to the images on a computer in which the digital image and icon is placed.

The Jalili reference is directed to a system for allowing secure entry into a database. Jalili works on providing math icons in random sequence to allow access to the database. There is no association of an icon with regard to a particular user as taught and claimed by Applicant. As long as anyone has the code, they can get into the database. In the present invention, there is no requirement that the user gaining access need do anything. For example, in the present invention, the icon may instruct a computer in which the digital image is placed to automatically send the digital image to a particular user over a communication network. This is in stark contrast to the Jalili reference which is directed to using icons so that a code can be entered into the system. See column 3, lines 36-67 and in particular 1-67. Thus, it is clear there is no device for creating an electronic icon containing information unique to a particular user as taught and claimed by Applicant.

The Savitzky reference is directed simply to detecting images on a storage device and downloading images and thereby later providing them to an HTML page that is generated by the image server. There is no teaching or suggestion of an icon being created that contains information unique to a particular user that allows access with respect to the particular media file by a third party over a communication network. The reference at column 8, lines 26-30 merely describes the different mathematical patterns that are used for providing the code into the computer. There is no teaching or suggestion of that providing an icon that is associated with a particular user. Reference to column 9, lines 14-15 simply represents the pattern in which the icons are going to be displayed on the system for entering the appropriate sequence of numbers.

Neither Jalili nor Savitzky individually or in combination teach or suggest creating a electronic icon unique to a particular user that includes information allowing access with respect to a particular digital media file having an icon associated therewith over a communication network by a third party.

With respect to claim 11, this claim is directed specifically to a method for managing digital images by a service provider on a computer of a user over a communication network. Thus, it is the service provider that is managing the images that are on a computer of a user. The method includes creating electronic icon containing information unique to said user that includes information for allowing controlled access by a designated third party to a particular image file stored on said computer. Thus, this icon allows access for the images stored on the user computer only to a designated third party. The prior art totally fails to teach or suggest using an icon for this controlled access. The last part of claim 11 is wherein the service provider accesses the computer over the communication network and locates the digital file having the icon associated therewith, and allowing access to the digital media file by said designated third party. It is the service provider that is the controlling point for controlling access to the user computer by the third party. The third party does not have direct access to the computer but is controlled by the service provider that uses the electronic icon for determining who has access to the digital media file. As previously discussed the Jalili and Savitzky references fail to teach or suggest creating an electronic icon containing information unique to a user that allows for controlled access by a designated third party with respect to the digital media file

stored on the computer, nor does it teach or suggest that a service provider control the access by the third party to the images on the user computer.

In view of the foregoing it is respectfully submitted that independent claims 1 and 11 are patentably distinct over the cited prior art. Accordingly, it is also respectfully submitted that the dependent claims which depend at least ultimately upon either claim 1 or 11 are also patentably distinct for the same reasons.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,



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